

## **MINUTES**

### **EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING**

**Tuesday, February 10, 2015**

**City Council Chamber**

**4:00 p.m.**

#### **PLEDGE OF ALLEGIANCE AND ROLL CALL**

Council President Kincaid called the meeting to order. The following members were present: Council Members Catherine Emmanuelle, Kerry Kincaid, David Klinkhammer, Eric Larsen, Kathy Mitchell, David Strobel, Bob Von Haden, Andrew Werthmann, and Michael Xiong. Absent: Council Member David Duax and Monica Lewis.

#### **MESSAGE TO THE CITY**

Council President Kincaid presented the annual State of the City message. Kincaid said Eau Claire is a 'City That Works' and the local government provides the sturdy physical and service platform that supports the City. Kincaid presented examples of the many platforms which City Departments provide.

Council Member Lewis arrived in the Council Chamber.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for the following items of routine business on Tuesday, February 10, 2015:

- Approving Minutes of City Council Legislative session of January 27, 2015.
- Granting new bartender licenses.
- Granting Change of Agent for the Class B Fermented Malt Beverage and the Class C Wine license of EC Woodfire LLC., d/b/a Fired Up Pizza Co., 4689 Keystone Crossing from Laurel Robertson to Lauren Peterson.
- Granting a Class B Cabaret license for Roman Corp. d/b/a Taverna Grill LLC, d/b/a Taverna Grill, 2839 Mall Dr. Ste. #7, Joanne Palzkill, agent.
- Authorizing the following repeat special events:
  - Eau Claire Parks, Recreation and Forestry Department to conduct the Amazing Eau Claire Cleanup on Saturday, April 25, 2015 in city parks and along city trails.
  - Girls on the Run of Eau Claire County to conduct the Girls on the Run 5K on Saturday, May 9, 2015 in Owen Park and along city trails and sidewalks.
  - Oral & Maxillofacial Surgery Associates of Eau Claire to conduct the Oral and Maxillofacial Run/Walk for a Mission on Tuesday, August 11, 2015 at Carson Park and along city trails and sidewalks.
- Receiving a petition and directing the City Engineer to prepare a report in accordance with s. 66.0703, Wis. Stats., for sewer main and water main extension on Peters Drive, Robert Road to the west end.

- Preliminary Resolution declaring the City's intention to exercise its special assessment powers under Section 66.0703, Wisconsin Statutes, for alley improvements, and directing the City Clerk to give notice of a hearing scheduled for February 23, 2015, on the following alleys:
  - Alley East of Bellinger Street, Madison Street to Cameron Street (15-503)
  - Alley East of Deyo Avenue, Birch Street north to east/west alley (15-502)
  - Alley North of Birch Street, Deyo Avenue to Bergen Avenue (15-501)
  - Alley North of Chippewa Street, Second Avenue east to the north/south alley (15-506)
  - Alley North of Hudson Street, Seventh Avenue to Sixth Avenue (15-504)
  - Alley South of Madison Street, N. Barstow Street to N. Farwell Street (15-505)
- Preliminary Resolution declaring the City's intention to exercise its special assessment powers under Section 66.0703, Wisconsin Statutes, for street, utility, and sidewalk improvements, and directing the City Clerk to give notice of a hearing scheduled for February 23, 2015, on the following streets:
  - S. Barstow Street, Eau Claire River Bridge to Eau Claire Street (15-100)
  - Eau Claire Street, Graham Avenue to S. Farwell Street (15-102)
- Approving bids and proposals for
  - Procurement No. 2015-04, Furnish & Install Building Mounted Bus Fall Protection System.
  - Procurement No. 2015-08, Purchase Eight (8) Police Department Vehicles.

Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Klinkhammer "to adopt the consent resolution". Said motion passed by unanimous vote.

### **STREET IMPROVEMENT PROJECTS**

The Council considered a Final Resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- W. Clairemont Avenue N. Frontage Road, Hendrickson Drive Frontage Road W. to 1,632 feet northwest of Craig Road (15-306)
- Hendrickson Drive Frontage Road W., Heights Drive to W. Clairemont Avenue N. Frontage Road (15-307)
- E. Lowes Creek Road, Cummings Avenue to Cottonwood Drive (15-301)
- S. Lowes Creek Road, Golf Road to 250 feet south (15-304)
- Rudolph Road, E. Hamilton Avenue to Pine Park Drive (15-305)
- Main Street, S. Farwell Street to 544 feet east of Summer Street (15-303)

Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Mitchell "to adopt the resolution". Said motion passed by unanimous vote.

### **STREET IMPROVEMENTS – GOLF ROAD**

The Council considered a Final Resolution approving the project and levying special assessments for street and utility improvements on Golf Road, Commerce Valley Road to Oakwood Hills Parkway (15-302). Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Strobel "to adopt the resolution". Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Werthmann "to amend the

resolution to direct staff to include curb cuts and connecting sidewalk from Golf Road to existing sidewalks along Golf Road to allow for safe movement from the bicycle lanes to the sidewalks at all four locations where the bike lanes start and stop on Golf Road”. Said motion failed on the following vote: Aye: Council Members Emmanuelle, Kincaid, Werthmann and Xiong. Nay: Council Members Klinkhammer, Larsen, Lewis, Mitchell, Strobel and Von Haden. Thereupon a motion was offered by Council Member Werthmann “to postpone consideration of said resolution until the next City Council meeting to allow staff the opportunity to meet with property owners”. Said motion died for lack of a second. The Council then voted on the original motion to adopt the resolution for the Golf Road project. Said motion passed by a unanimous vote.

### **SIDEWALK REPAIRS**

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 on the following streets:

- W. Clairemont Avenue N. Frontage Road, Hendrickson Drive Frontage Road W. to 1,632 feet northwest of Craig Road (15-306)
- Hendrickson Drive Frontage Road W., Heights Drive to W. Clairemont Avenue N. Frontage Road (15-307)
- Golf Road, Commerce Valley Road to Oakwood Hills Parkway (15-302)
- E. Lowes Creek Road, Cummings Avenue to Cottonwood Drive (15-301)
- Rudolph Road, E. Hamilton Avenue to Pine Park Drive (15-305)
- Main Street, S. Farwell Street to 544 feet east of Summer Street (15-303)

Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Mitchell “to adopt the resolution”. Said motion passed by unanimous vote.

### **COLLECTIVE BARGAINING AGREEMENT**

The Council considered a resolution authorizing the City Manager to execute a collective bargaining agreement between the City and Fire Fighters Local 487. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Von Haden “to adopt the resolution”. Said motion passed by unanimous vote.

### **CODE AMENDMENT – HONEY BEES**

The City Council considered an ordinance creating Chapter 6.14, entitled “Keeping of Honey Bees” of the City Code of Ordinances. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Emmanuelle “to adopt the resolution”. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Von Haden “to amend Section 6.14.030(F) by deleting the word ‘application’ and inserting the words ‘original application and with each renewal’ so the paragraph would read ‘Applicants shall provide the following information on the original application and with each renewal’.” Said amendment was accepted by unanimous consent.

Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Lewis “to amend Section 6.14.040 by deleting paragraphs E (bees in community gardens) and F (bona fide public education purposes).” Said motion passed on the following vote: Aye: Council Members Larsen, Lewis, Mitchell, Strobel, Von Haden, Werthmann and Xiong. Nay: Council Members Emmanuelle, Kincaid and Klinkhammer.

Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Von Haden “to add paragraph G to Section 6.14.030 - Permit and Fees Required, which would read ‘New permits may only be granted subject to the successful completion of the Health Department pre-inspection. Permit renewals may only be granted subject to the successful completion of at least one annual inspection by a State Apiary Inspector or at least one annual inspection by a member of a local beekeeping organization approved by the City Health Department. Renewal applicants shall provide written documentation evidencing said inspection(s)’.” Said motion passed by unanimous vote.

Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Von Haden “to add paragraph E to Section 16.14.040 - Conditions and Exemptions for Keeping and Maintaining Hives, which would read ‘No hive shall be maintained on any parcel where any public outdoor recreational area or public park lies within 100 feet of the exterior boundaries of the parcel’.” Said motion failed on the following vote: Aye: Council Members Lewis, Strobel and Von Haden. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Werthmann and Xiong.

Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Strobel “to amend paragraph D of Section 6.14.030 - Permit and Fees Required by adding the phrase ‘or an occupant of the proposed permitted real property with the owner’s written permission’ so the sub-paragraph would read: Permits shall not be transferable or refundable. Only the owner of the proposed permitted real property, or an occupant of the proposed permitted real property with the owner’s written permission, is eligible to obtain a beekeeping permit’.” Said amendment was adopted by a unanimous vote.

Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Lewis “to amend paragraph A of Section 6.14.050 - Standards of Practice, by deleting the sentence ‘The sum total of all Beekeeping equipment on a single lot shall not exceed twenty (20) cubic feet in size.’ and inserting the sentence ‘A hive shall not exceed 15 cubic feet in size’.” Said amendment was adopted by a unanimous vote

Thereupon a motion was offered by Council Member Strobel “to amend Section 6.14.040 by deleting the word ‘principal’.” Said motion died for lack of a second.

The Council then voted on the ordinance as amended. Said ordinance was adopted by unanimous vote.

## **CODE AMENDMENT – CROSS CONNECTIONS**

The Council considered an ordinance amending Chapter 14.08 of the City Code of Ordinances, entitled "Connection and Installation," to set requirements for cross connection inspections for public utility customers. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Klinkhammer "to adopt the ordinance". Said motion passed by unanimous vote.

## **ZONING**

The City Council had first reading on an ordinance rezoning properties at 2408 and 2416 Vine Street from TR-1A to R-1 as shown on Planning File Z-1556-15.

## **ZONING CODE**

The Council had first reading on an ordinance amending the Zoning Code adding provisions pertaining to Zoning Hearing Notice signs for areas with multiple properties as shown on Planning File Z-1557-15.

## **CODE AMENDMENTS**

The City Council had first reading on an ordinance repealing Title 4 entitled "Cable Television" of the City Code of Ordinances.

## **PAY PLAN**

The Council had first reading on an ordinance amending the Pay Plan for the City of Eau Claire, specifically that part thereof pertaining to Fire Fighters Union, Local 487. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Lewis "to suspend the rules which interfere with the immediate consideration of said ordinance". Said motion passed by unanimous voice vote. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Xiong "to adopt the resolution". Said motion passed by unanimous vote.

## **ADJOURNMENT**

A motion was offered by Council Member Von Haden and seconded by Council Member Xiong "that this meeting does now adjourn." Said motion passed without objection.

Adjournment: February 10, 2015

Time: 6:33 p.m.

ATTEST:

/s/ Kerry J. S. Kincaid, President

/s/ Donna A. Austad, City Clerk